

ORIGINAL**FAX TRANSMISSION**

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RESPONSE

To: Dan Schuering (698-6161)
 Stacy Hollo (324-4480)
 Jim Cook (618-233-1637)

Date: October 21, 2003

From: Neil F. Flynn *NFF*

Pages: ____ (including cover sheet)

Subject: Village of Tilton v. Norfolk Southern, et al. #T00-0103

In response to the previous discovery requests, I am hereby providing all documents and information which I have in my possession at this time; and further advise each of you as follows:

1. I intend to present one witness: Thomas Bracey (Norfolk Southern Bridge Department)
2. I am enclosing a list of statements regarding the subject crossing. I am proposing that the parties review that document, and further suggest that the parties stipulate to the facts set forth therein.
3. Norfolk Southern is preparing an estimate of its force account work in relation to this project. Upon completion of that estimate, I will promptly forward that information to each of you.
4. Norfolk Southern is preparing an exhibit which includes a description and calculation of Norfolk Southern's financial contribution to this project. Upon completion of that document, I will forward that information to each of you.

* * * * *

If you have any questions or need any additional detail, please contact me at your convenience. Thank you very much.

NFF:cb

cc: Administrative Law Judge O'Brien (785-1448)
 Bob Berry (785-1448)

DOCKETED

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Date	10-21-03	# of pages	2
To	ALJO'Brien		
From	Neil Flynn		
Co./Dept.	Co.		
Phone #	544-0261		
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October 21, 2003

Docket T00-0103

Crossing: 479 867U West 14th Street/E 5th Street
Milepost: 303.56

1. At this crossing, there are two sets of Norfolk Southern tracks - both mainline tracks.
2. These Norfolk Southern mainline tracks are operated by Norfolk Southern Railway Company.
3. The maximum permitted train speed through this crossing is 25 mph.
4. These Norfolk Southern mainline tracks accommodate freight service only (no passenger service).
5. The daily average number of through trains over the subject crossing is 30. These through train movements are non-scheduled.
6. In general, the subject Norfolk Southern tracks run in a southwest-northeast direction through the Village of Tilton.
7. The subject crossing is currently protected by automatic flashing light signals and gates with constant warning time circuitry.
8. The crossing surface is asphalt and timber, and the roadway surface approaches are asphalt.
9. The angle of the crossing is 60-90°; and there are two lanes for motor vehicular traffic over the subject crossing.
10. The motor vehicular speed limit over the subject crossing is 30 mph.
11. The average daily traffic over the subject crossing is 3,650.
12. The motor vehicular/train accident history at the subject crossing is summarized as follows:

5/16/57	2 injuries/0 fatalities
2/21/59	0 injuries/3 fatalities